

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1565

IN THE MATTER OF:

Application of BETTY JEAN DAVIS)	Served June 7, 1976
T/A METRO-AREA SIGHTSEEING TOURS)	
for Temporary Authority to Perform)	Application No. 940
Special Operations)	

By Application No. 940, filed May 6, 1976, Betty Jean Davis trading as Metro-Area Sightseeing Tours (Metro-Area) seeks temporary authority pursuant to the Compact, Title II, Article XII, Section 4(d)(3), to transport passengers, in special operations limited to round-trip sightseeing or pleasure tours, over irregular routes, from Burke Lake or Lake Fairfax Campgrounds in Fairfax County, Va., to Washington, D. C., and Arlington National Cemetery, and return. Metro-Area also requests authority to serve points along its irregular routes through Fairfax City, Fairfax County and Arlington County, Va.

Metro-Area proposes a package of six tours. Tour No. 1 involves the interiors of government buildings in Washington, D. C., takes about three and one-half hours, and costs \$10 per person. Tour No. 2 is a riding tour of Washington, D. C., which takes about two hours and costs \$10 per person. Tour No. 3 is a tour of Arlington National Cemetery, Iwo Jima Memorial and the Kennedy Center, taking about two hours at a cost of \$10 per person. Tour No. 4 is a combination of Tours 1 and 2 for five hours at \$15 per person. Tour No. 5 is a combination of Tours 2 and 3 for three hours at \$15 per person. Tour No. 6 is a combination of Tours 1, 2, and 3 for eight hours at \$20 per person. Children under ten years of age would be carried at half fare when accompanied by both

parents. Applicant proposes to provide the service in two air-conditioned 12 passenger vans.

The Commission may grant temporary authority, in its discretion and without hearings or other proceedings, if it finds there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). Metro-Area submitted a letter from the Fairfax County Park Authority (FCPA) indicating a need for tour guide service to operate from Burke Lake and Lake Fairfax Campgrounds. Metro-Area also submitted a concessionaire's agreement with FCPA. That agreement permits Metro-Area to operate a tour concession originating tours at Burke Lake Park and Lake Fairfax Park, with FCPA receiving 10% commission for tours sold. Although Metro-Area proposes generally to offer the six tours specified in its tariff, it only offers Tour No. 6 under its agreement with FCPA.

The Commission finds that the Compact requirements for temporary authority are met with respect to Burke Lake Park and Lake Fairfax Park. With respect to that portion of the application seeking to serve points along the irregular routes between the parks and Washington, D. C., applicant provides no evidence of an immediate and urgent need. That it would be convenient to serve these points is not adequate to support a grant of temporary authority. Accordingly, the Commission shall grant Metro-Area temporary authority to provide Tour No. 6 pursuant to its agreement with FCPA, during which period the Commission will consider Metro-Area's Application No. 941 for a certificate of public convenience and necessity seeking permanent authority to provide service which would be substantially the same as the temporary authority sought herein. The grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

THEREFORE, IT IS ORDERED:

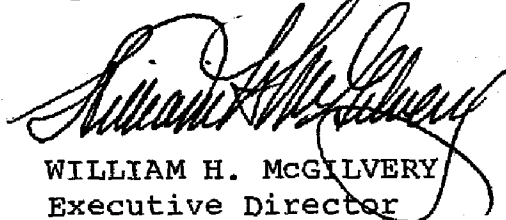
1. That Application No. 940 of Betty Jean Davis trading as Metro-Area Sightseeing Tours be, and it is hereby, granted in part as hereafter stated and denied in part.

2. That Betty Jean Davis trading as Metro-Area Sightseeing Tours be, and it is hereby, granted temporary authority to transport passengers, over irregular routes, in special operations limited to round trip sightseeing tour described herein as Tour No. 6, from Burke Lake Park or Lake Fairfax Park, in Fairfax County, Va., to Washington, D. C., and Arlington National Cemetery, and return.

3. That the temporary authority granted herein shall become effective Monday, June 7, 1976, and shall remain in effect through Friday, December 3, 1976, unless otherwise ordered by the Commission.

4. That Betty Jean Davis trading as Metro-Area Sightseeng Tours shall file within five days of the service date of this order, WMATC Temporary Authority Tariff No. 1 in accordance with the authority granted herein, to be effective upon acceptance by the Executive Director.

BY DIRECTION OF THE COMMISSION:



WILLIAM H. MCGILVERY
Executive Director